

SEP 06 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)	Criminal No. 02-00010
)	
Plaintiff)	
)	
v.)	ORDER AFTER
)	LIMITED REMAND
TOMAS B. ALDAN,)	DENYING RESENTENCING
)	
Defendant)	
_____)	

THIS MATTER is before the court on limited remand from the U.S. Court of Appeals for the Ninth Circuit, for the court to determine “whether the sentence imposed would have been materially different had the [] court known that the sentencing guidelines were advisory.” United States v. Ameline, 409 F.3d 1073, 1074 (9th Cir. 2005) (*en banc*). The mandate issued August 18, 2005.

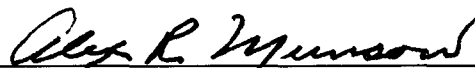
THE COURT has reviewed the court file, the presentence report, and the sentence imposed upon defendant, and also has an independent recollection of the

1 salient facts of this jury trial. The court would not have imposed a materially different
2 sentence had it known the sentencing guidelines were advisory, and it declines to
3 resentence defendant Aldan for the following reasons.
4

5 This intentional fraud perpetrated on the Bank of Saipan was greatly aided by
6 defendant Aldan's active participation as bank president. His complete and utter
7 abandonment of his fiduciary duty to legitimate investors and account holders for his
8 direct, personal benefit resulted in direct injury to thousands of bank depositors,
9 including the Commonwealth government, who lost access to their savings. The
10 indirect injury caused to the families of individual account holders and to the creditors
11 of business account holders was significant and still reverberates in the community as
12 the Bank has continued in receivership since May of 2002. The cold, calculating
13 nature of defendant's participation in the crime and the financial losses and
14 inconvenience caused to so many victims warranted the sentence imposed.
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18 Should defendant wish to appeal this order, he "may file a notice of appeal as
19 provided in Fed.R.App. 4(b)." United States v. Ameline, 409 F.3d at 1085.
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21 DATED this 6th day of September, 2005.
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25 

ALEX R. MUNSON

Judge
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